IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 21168 of 2007(T)

PETITIONER:

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1. OMANA AMMA, AGED 55, W/O. LATE KRISHNA PILLA, PARAPPURATHU, EDAPPURAYIL, ATTUVAMURI, NOORANADU VILLAGE, MAVELIKKARA TALUK.

2. SUJATHA, AGED 30, W/O. MANIKUTTAN, NOW RESIDING AT RAJESH NIVAS, 1ST FLOOR, ROOM NO.II, DAKURLI EAST, THANE.

BY ADV. SRI.R.PADMAKUMAR
SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE, OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE, ALAPPUZHA.

2. THE KERALA STATE ELECTRICITY BOARD, REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

3. ADDITIONAL EXECUTIVE ENGINEER, ELECTRICAL SUB DIVISION, PANDALAM.

4. DEVAKIAMMA, AGED 55, RATHEESH BHAVAN, ATTUVA, NOORANADU VILLAGE, MAVELIKKARA TALUK.

5. OMANAMMA, EDAPPURAYIL VEEDU, PARAPPURATHU, ATTUVAMURI, NOORANADU.

R1 BY G.P. SMT. M.K. PUSHPALATHA
R2 AND R3 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B
SRI.NAGARAJ NARAYANAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 21168 OF 2007

Dated this the 16th day of August, 2007

JUDGMENT

Petitioner is challenging drawal of electric line over petitioner's property for giving connection to the beneficiary, who is the fourth respondent. Standing counsel for KSEB has produced a sketch in Court which shows that the line has to be originated from a post standing in the property of the fourth respondent at the position "A". The total length of the line is only 30 metres overhead line and 15 metres weather proof line. One post is to be installed in petitioner's property. On the face of it petitioner has a grievance because an electric post has to be installed in petitioner's property and out of 30 metres overhead line and 15 metres weather proof line, some portion will be passing over petitioner's property. The Addl. District Magistrate's order is produced in Court wherein he has suggested shifting of the existing pole from position "A" to the boundary of 5th respondent's property and then to give connection to the beneficiary. Since fifth respondent has not asked for shifting of the existing post, which was installed for giving connection to the fifth respondent, same has to be retained necessarily there. The balance is only a matter of 30

metres overhead line and 15 metres of weather proof line. The alternate route suggested by the petitioner is through the southern boundary which is a circuitous route involving installation of several posts and more length of cable. Therefore alternate proposal is not feasible more so when the properties of other persons are involved. In the circumstances, I feel petitioner's grievance can be redressed by his providing underground insulated aluminium cable of the required length for the KSEB to give connection to the beneficiary. Therefore there will be direction to the third respondent to give connection to the beneficiary through underground cable if the petitioner provides the same. If the petitioner however does not provide underground cable connection will be given to the beneficiary in the way approved by the Addl. District Magistrate vide his order dated 4.7.2007 produced in Court. If the petitioner also wants connection the line should be so drawn and post installed in such a way as to give connection to the petitioner also. It is for the petitioner to make application for connection and suggest the changes to make both connections feasible.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge